

CC: order, docket, remand letter to Los Angeles Superior Court, No. 11U15259

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

BROADWAY FEDERAL BANK FSB,  
Plaintiff,  
v.  
NEW BEGINNINGS COMMUNITY  
OUTREACH WORSHIP CENTER and  
DOES 1–10, Inclusive,  
Defendants.

Case No. 2:12-cv-07474-ODW (VBKx)

**ORDER REMANDING CASE TO LOS  
ANGELES COUNTY SUPERIOR  
COURT**

The Court has received Defendant New Beginnings Community Outreach Worship Center's Notice of Removal. Having carefully considered the papers filed in conjunction with Defendant's Notice, the Court determines that it lacks subject matter jurisdiction over this case. Accordingly, the case is hereby **REMANDED** to Los Angeles County Superior Court.

Federal courts are courts of limited jurisdiction, having subject-matter jurisdiction only over matters authorized by the Constitution and Congress. *See, e.g., Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). A suit filed in state court may be removed to federal court if the federal court would have had original jurisdiction over the suit. 28 U.S.C. § 1441(a). A removed action must be

1 remanded to state court if the federal court lacks subject-matter jurisdiction. 28  
2 U.S.C. § 1447(c).

3 The party seeking removal bears the burden of establishing federal jurisdiction.  
4 *Durham v. Lockheed Martin Corp.*, 445 F.3d 1247, 1252 (9th Cir. 2006) (citing *Gaus*  
5 *v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992)). “The presence or absence of  
6 federal-question jurisdiction is governed by the ‘well-pleaded complaint rule,’ which  
7 provides that federal jurisdiction exists only when a federal question is presented on  
8 the face of the plaintiff’s properly pleaded complaint.” *Caterpillar, Inc. v. Williams*,  
9 482 U.S. 386, 392 (1987). While a plaintiff may therefore avoid federal jurisdiction  
10 by relying exclusively on federal law, “federal jurisdiction cannot be predicated on an  
11 actual or anticipated defense.” *Vaden v. Discover Bank*, 556 U.S. 49, 60 (2009); *see*  
12 *also Hunter v. Phillip Morris USA*, 582 F.3d 1039, 1042–43 (9th Cir. 2009) (“It is  
13 settled law that a case may not be removed to federal court on the basis of a federal  
14 defense.” (internal quotation marks omitted)).

15 A case removed from state court should be remanded if it appears that it was  
16 removed improvidently. 28 U.S.C. § 1447(c). Because the “removal statutes are  
17 strictly construed against removal,” doubts about removal must be resolved in favor of  
18 remand. *Libhart v. Santa Monica Dairy Co.*, 592 F.2d 1062, 1064 (9th Cir. 1979); *see*  
19 *also Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992) (“Federal jurisdiction must  
20 be rejected if there is any doubt as to the right of removal in the first instance.”).

21 Defendant contends that this Court has diversity jurisdiction over this case  
22 pursuant to § 1332. Diversity jurisdiction does not exist in this matter.

23 For a federal court to exercise diversity jurisdiction, there must be “complete”  
24 diversity between the parties, and the amount in controversy must exceed \$75,000.00,  
25 exclusive of interest and costs. 28 U.S.C. § 1332(a). Under the “legal certainty”  
26 standard, a federal court lacks subject matter jurisdiction under § 1332 where “upon  
27 the face of the complaint, it is obvious that the suit cannot involve the necessary  
28 amount.” *Geographic Expeditions, Inc. v. Estate of Lhotka ex rel. Lhotka*, 599 F.3d

1 1102, 1106 (9th Cir. 2010) (quoting *St. Paul Mercury Indemnity Co. v. Red Cab Co.*,  
 2 303 U.S. 283, 292 (1938)). “In actions seeking declaratory or injunctive relief, it is  
 3 well established that the amount in controversy is measured by the value of the object  
 4 of the litigation.” *Cohn v. Petsmart, Inc.*, 281 F.3d 837, 840 (9th Cir. 2002) (quoting  
 5 *Hunt v. Wash. State Apple Adver. Comm’n*, 432 U.S. 333, 347 (1977)).

6 Here, Defendant’s removal papers blanketly allege that the amount in  
 7 controversy exceeds \$75,000. (Notice of Removal 2.) But the object of this unlawful  
 8 detainer action is the fair rental value of the premises Defendant now owes Plaintiff—  
 9 \$70.00 per day—for remaining in a home that no longer belongs to him from  
 10 November 7, 2011, through entry of judgment. (Compl. ¶ 9.) Indeed, the face of  
 11 Plaintiff’s Complaint indicates that the case is a limited-jurisdiction case, meaning  
 12 that Plaintiff does not demand an amount in excess of \$25,000.00. Therefore, the  
 13 amount in controversy in this case does not exceed \$75,000.00, exclusive of interest  
 14 and costs.

15 Defendant may alternatively contend that this Court has federal question  
 16 jurisdiction over this matter. To the extent Defendant contends this Court has  
 17 jurisdiction over this case pursuant to § 1331, this unlawful-detainer action does not  
 18 present a federal question. *Aurora Loan Servs. v. De La Rosa*, No. 11-912, 2011 U.S.  
 19 Dist. LEXIS 69217, at \*3 (C.D. Cal. June 27, 2011); *see also IndyMac Fed. Bank,*  
 20 *F.S.B. v. Ocampo*, No. 09-2337, 2010 WL 234828, at \*2 (C.D. Cal. Jan. 13, 2010)  
 21 (sua sponte remanding an action to state court for lack of subject matter jurisdiction  
 22 where plaintiff’s complaint contained only an unlawful detainer claim); *Galileo Fi. v.*  
 23 *Miin Sun Park*, No. 09-1660, 2009 WL 3157411, at \*1 (C.D. Cal. Sept. 24, 2009)  
 24 (“Here, the complaint only asserts a claim for unlawful detainer, a cause of action that  
 25 is purely a matter of state law. Thus, from the face of the complaint, it is clear that no  
 26 basis for federal question jurisdiction exists.”). Additionally, the Complaint does not  
 27 allege any other federal question, and any federal defense Defendant raises is  
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1 irrelevant with regard to jurisdiction. *Vaden*, 556 U.S. at 60; *Hunter*, 582 F.3d at  
2 1042–43. Therefore, the Court does not have jurisdiction over this case under § 1331.

3 For the reasons discussed above, the Court **REMANDS** this case to the Los  
4 Angeles County Superior Court.

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6 **IT IS SO ORDERED.**

7  
8 September 5, 2012

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11 **HON. OTIS D. WRIGHT, II**  
12 **UNITED STATES DISTRICT JUDGE**  
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